

Notice of Allowability

Application No.

09/486,293

Examiner

Kagnew H. Gebreyesus

Applicant(s)

COOPER ET AL.

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/12/07.
2. ☒ The allowed claim(s) is/are 1,2,6-8 and 10-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Applicant's response on February 12, 2007 to the Office Action dated August 10, 2006 is acknowledged. Applicants have amended claims 1, 6, 10 and 13. Claims 1, 2, 6-8 and 10-16 are present for examination.

Applicant's arguments have been fully considered and are deemed to be persuasive to overcome the rejections and/or objections previously applied. Rejections and/or objections from previous office actions are hereby withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Brian Poor on March 15, 2007.

The application has been amended as follows:

Replace claim 1 with: An isolated and purified polynucleotide that encodes the murine Dab 1 (Disabled protein 1) as depicted in SEQ ID NO: 3, or the complement thereof wherein said polynucleotide is not genomic DNA.

In claim 2, delete: "...genomic DNA, or a..."

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In claim 6, replace:

“A probe which comprises an oligonucleotide of at least 7 nucleotides derived...”

” with “

“An isolated probe comprising an oligonucleotide of at least 25 nucleotides
obtained...”

In claim 7, replace:

“... is from 15 to 60 nucleotides...” with “...is at least 50 nucleotides...”

In claim 10 and claim 13 line 4 replace:

“... encoding a murine...” with “...encoding the murine...”

In claim 11, replace:

“...depicted as in...” with “...depicted in...”

Replace claim 12 with:

A DNA construct comprising the following operably linked elements:

a transcriptional promoter;

a DNA sequence encoding a fragment of the murine Disabled protein 1

consisting of residues 107 to 243 of SEQ ID NO: 3; and

a transcription terminator.

REASON FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The isolated polynucleotide encoding the polypeptide of SEQ ID NO: 3 and polynucleotide encoding a polypeptide consisting of residues 107 to 243 of SEQ ID NO: 3, vectors and host cells comprising the same, have not been found in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kagnaw H. Gebreyesus whose telephone number is 571-272-2937. The examiner can normally be reached on 8:30am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr Bragdon can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Kagnew Gebreyesus PhD.

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March 5, 2007

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KATHLEEN KERR BRAGDON, PH.D.
SUPERVISORY PATENT EXAMINER